

**Montana House of Representatives**  
**House Judiciary Committee Hearing of SB 0318**

3/22/07

**Submitter:** Jerome M. Cain, PO Box 1057, Lincoln, MT 59639-1057

Good morning,

My name is Jerome Cain; the last name is spelled C-A-I-N.

I own the Smiling Gulch Ranch west of Lincoln, Montana and also an aircraft hangar at Lincoln Airport S69. I am a private pilot and have been flying since 1990 and currently own two aircraft which are used for recreational and charitable flying. I am a member of the national Aircraft Owners and Pilots Association (AOPA) and also of state pilot organizations in seven western states. I am also a Command Pilot for Angel Flight West and the AOPA Airport Support Network Volunteer for Lincoln Airport.

The primary purpose of my flying is recreational for visiting recreational / backcountry airstrips throughout the western states for camping, hiking, fishing, photography, etc. While most recreational / backcountry airstrips are on public lands, a large number are on private land. These privately owned airstrips present to the private landowner a concern with respect to liability when the use of the airstrip is offered to others.

In 2005 I created the CAIN Ranch Airstrip on my own property when Lincoln Airport was temporarily closed for reconstruction. You will find the CAIN Ranch Airstrip on the next edition of the Great Falls Sectional designated as Restricted. During the past year and a half, the CAIN Ranch airstrip has seen considerable use by other pilots including a fly-in barbecue last August which included 17 aircraft from several states across the nation including as far away as Florida. While owners of private airstrips such as I enjoy sharing our facilities with others for recreational purposes, there is always the concern over liability. The amendment proposed by Senate Bill 318 will help relieve some of that concern and encourage private landowners to open their lands and airstrips to recreational aviation.

While all 50 states have some form of Recreational Use Statute which gives some protection to the private landowner when others are allowed access to and use of the land for recreational purposes without compensation, only Idaho now includes aviation as a specified recreational activity as the result of a unanimously approved amendment during the past year. Recreational aviation is a growing user group of both public and private aviation facilities and as such is a growing contributor to local economies. Including aviation in the Montana Recreational Use Statute will recognize that growing community and encourage the owners of private airstrips to either open those airstrips to general public use or at least allow their use by others for recreational purposes on a permission basis without compensation.

In 2003 I facilitated the creation of the Recreational Aviation Foundation, a 501(c) (3) public charity, whose purpose and goal is to preserve, maintain, and create recreational / backcountry airstrips across the nation. The inclusion of aviation in state recreational use statutes will further contribute to that goal by giving owners of private airstrips some protection from liability when they allow use by others. I would be very pleased to see my home state of Montana be the second state to specifically include aviation in its recreational use statute.

I am asking you to vote for the amendment proposed by Senate Bill 318.

Thank you.